

## **PROPOSED CEQA ANALYSIS FOR ADOPTING LAFCO'S AGRICULTURAL MITIGATION POLICIES**

### **PROPOSED APPROACH**

LAFCO staff proposes to use the following California Environmental Quality Act (CEQA) approach for adopting LAFCO's Agricultural Mitigation Policies:

- The continuation of agricultural activities on land already in agricultural use is categorically exempt from CEQA.
- All potential environmental impacts associated with establishing agriculture on mitigation lands that are not currently in agricultural use have already been analyzed in a prior EIR (i.e. *Santa Clara County General Plan Environmental Impact Report, December 1994*) and no Supplemental EIR or Subsequent EIR is required.

LAFCO's approval of a boundary change is subject to a separate environmental review process. This separate environmental review process will occur prior to and as part of LAFCO's application review process.

### **BACKGROUND**

The Project is the adoption of LAFCO's Agricultural Mitigation Policies. LAFCO's current policies discourage premature conversion of agricultural lands, guide development away from existing agricultural lands and require the development of existing vacant lands within city boundaries prior to conversion of agricultural lands. In those cases where LAFCO proposals involve conversion of agricultural lands, LAFCO's current policies require an explanation for why the inclusion of agricultural lands is necessary and how such loss will be mitigated.

It is the intent of LAFCO to set forth through written policies, LAFCO's standards and procedures for providing agricultural mitigation for LAFCO proposals involving agricultural lands, consistent with LAFCO's current policies and LAFCO's mandate to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies.

Under the Draft Policies, agricultural mitigation must result in the preservation of land that:

- Is prime agricultural land of equivalent quality and character as measured by the Average Storrie Index rating and the Land Capability Classification rating,
- Is located within the city's Sphere of Influence Boundary in an area planned/envisioned for agriculture, and
- Preferably will promote the definition or creation of a permanent urban/agricultural edge.

Therefore, agricultural mitigation lands will be located on unincorporated lands where agriculture is an existing use and/or where agriculture is an allowed use.

For agricultural mitigation lands that are not currently in agricultural use:

The potential environmental impacts associated with the agricultural use of these unincorporated lands were fully considered in the Environmental Impact Report ("EIR") previously prepared for the Santa Clara County General Plan (1995-2010) and certified by the Board of Supervisors by Resolution dated December 20, 1994. (*See, Santa Clara County General Plan Draft Environmental Impact Report* (File #5722-00-00-94EIR, SCH #94023004), September 1994, Chapter 5B (particularly Impact 8), on file with the Santa Clara County Planning Office.) There is no substantial evidence in the record indicating that the Project will cause any new or substantially more severe environmental impacts than previously studied, thus, no subsequent or supplemental EIR is required pursuant to Public Resources Code section 21166 or the CEQA Guidelines (14 Cal. Code Regs. §§ 15162, 15163). LAFCO finds that no further CEQA review is required for the Project.

For agricultural mitigation lands that are currently in agricultural use:

The "acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas" is categorically exempt pursuant to the Class 25 exemption (14 Cal. Code Regs. § 15325(b).)

LAFCO's Agricultural Mitigation Policies also encourage cities with LAFCO proposals impacting agricultural lands to adopt measures to preserve adjoining agricultural lands, to prevent their premature conversion to other uses, and to minimize potential conflicts between the proposed urban development and adjacent agricultural uses. As previously stated above, potential environmental impacts associated with these policies have already been analyzed in a prior EIR and no Supplemental EIR or Subsequent EIR is required and the continuation of agricultural activities on land already in agricultural use is categorically exempt from CEQA.